Remarks:

In the Office Action mailed on March 17, 2010 the Examiner rejected claims 1-8, 11 and 12[1]. Claim 1,8 and 11 is amended herein. Claims 9-10 were previously cancelled. Claims 13 and 14 are added herein. Claims 1-8, and 11-14 are pending in the application.

Claim 1 is amended herein to move the storing of the first authentication algorithm from the preamble to the body. Claim 1 has been amended to recite that the authentication algorithms are store in non-volatile memory during a preoperational phase. The specification discloses that the algorithm storage step is carried out, for example, during personalization (Specification, Page 9, Lines 10 – 11), thus, providing support for storing the authentication algorithms in non-volatile memory (as it would not persist in volatile memory past personalization) during a pre-operational phase (personalization).

Similar amendments have been made to the other independent claims.

Claim 1 is amended to correct a minor grammatical inconsistency (gerund form for infinitive).

No new matter has been added.

The Claims

35 USC 112, second paragraph

Claims 8 and 11 were rejected under 35 USC § 112, second paragraph as being indefinite. In particular, the Examiner asserted that "the term 'can permanently deactivate the first authentication algorithm' ... is unclear because it is unclear if it is permanently deactivated or is just able to be permanently deactivated." Office Action, Page 2, Lines 10 – 14.

[1] The first paragraph of the 102 rejection – in which the claims that are rejected under § 102 – lists the claims rejected under 35 USC § 102 without Claim 7 (Office Action, Page 3, Lines 1 -2). However, further on in discussing the claims so rejected, Claim 7 appears (Office Action, Page 4, Lines 15 – 17. Applicant infers the intent to reject Claim 7 as anticipated by Anvekar.

Applicants have amended Claims 8 and 11 to more clearly recite the subject matter of the invention. Applicants posit that as amended, the claims meet the requirements of 35 USC § 112, second paragraph and, therefore, respectfully request withdrawal of the rejection.

35 USC 102

Claims 1-8 and 11-12[1] were rejected under 35 U.S.C. 102(e) as being anticipated by Anvekar, (US 6,603,968 hereinafter "Anvekar"). Applicants have amended the independent claims to clarify the scope thereof. To the extent the Examiner believes that the claims as amended are unpatentable over Anvekar, Applicants traverse the rejection.

Anticipation under 35 U.S.C. 102(e) requires that each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. That standard cannot be met with Anvekar.

The problems addressed by Applicants and Anvekar are quite different from one another and it is not surprising that the claimed invention is quite different from the technology described in Anvekar. Applicants address the problem of economically changing from one pre-installed authentication algorithm to another pre-installed authentication algorithm so that if the second algorithm becomes the preferred mechanism for performing authentications a switch may be performed rather than downloading the second authentication algorithm at a later stage. The switch is intended to be permanent. Applicants have clarified this by amending the independent claims to include the limitation "permanently deactivating the first authentication algorithm" introduced in the office action response of 17 June 2010.

Applicants achieve this solution by having a first subscriber identity (IMSI1) which is associated with a first authentication algorithm (Algo1) stored in memory (Claim 1, preamble). In "a preliminary step … an inactive second authentication algorithm (Algo2) … associated with a second subscriber identity (IMSI2)" is stored in a memory element.

Having a first and second authentication algorithm associated with a first and second subscriber identity, respectively, provides a mechanism by which switching of

authentication algorithms may be readily achieved. According to the claims, the two algorithms are pre-stored prior to placing the card in use ("a first preoperational preliminary step of storing an active first authentication algorithm" and "a second preoperational preliminary step of storing ~~a~~ an inactive second authentication algorithm" (Claim 1).

Anvekar, on the other hand, deals with switching of accounts during roaming in a manner in which a roaming phone obtains a new home location IMSI. Anvekar calls for sending the new IMSI to the roaming phone when the roaming phone enters into a new visiting location (Process 1230 (Col. 9, Lines 59 – 67) which follows "Process 1200: a cell-phone user enters a new visiting location."). Thus, the new IMSI is sent to the cell-phone while in an operational phase and not during a pre-operational phase.

The IMSI, in Anvekar, is stored in volatile memory ("Phone 180 stores the IMSI sent by RSPN 520-B in Temporary Storage Area 360" and "this IMSI is stored in volatile temporary storage area 360" Col. 10, Lines 1 - 5). Thus, Anvekar teaches away from storing the new IMSI in non-volatile memory during a pre-operational phase in that (1) it is stored during roaming and (2) it is stored in temporary storage.

The claims herein recite that first and second authentication algorithms each associated with first and second subscriber identities are stored in memory. Anvekar does not discuss authentication algorithms. While an authentication algorithm would be used in Anvekar as in all GSM systems, Anvekar does not disclose switching from one pre-stored authentication algorithm to another and deactivating the former as is claimed herein.

Thus, several aspects of the independent claims are not taught or suggested by Anvekar.

For the foregoing reasons, Claim 1 is not anticipated by and is not obvious over Lin and should be allowed. Independent claims 8 and 11 recite analogous limitations and are patentable over Lin for at least the same reasons given in support of Claim 1.

Claims 2-7 and 13 depend from Claim 1 and Claim 12 and 14 depend from Claim 11. These claims incorporate all the limitations of their respective base claims,

provide new and non-obvious combinations, are patentable for the reasons given in support of the base claims and by virtue of such further combinations.

For example, Claims 12 and 14 specify that the storing of at least one of the pre-stored authentication algorithms is stored in the card memory during personalization. Anvekar discloses receiving the new IMSI during roaming, i.e., after personalization. Thus, Claims 12 and 14 are patentable over Anvekar for this additional reason.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

CONCLUSION

It is submitted that all of the claims now in the application are allowable. Applicants respectfully request consideration of the application and claims and its early allowance. If the Examiner believes that the prosecution of the application would be facilitated by a telephonic interview, Applicants invite the Examiner to contact the undersigned at the number given below.

Applicants respectfully request that a timely Notice of Allowance be issued in this application.

Respectfully submitted,

Date: October 20, 2010

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